

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

vs.

DECLARATION

XAVIER TORRES

18-CR-06094

Defendant

XAVIER TORRES, the defendant in the above entitled proceeding, pursuant to 28 U.S.C. section 1746(2), declares the following, under penalty of perjury:

1. I am the defendant in the above entitled proceeding.
2. I execute this affidavit in support of my omnibus motions prepared by my attorney, Maurice J. Verrillo.
3. I had two contacts with the police in July of 2015 and February of 2016. During both contacts, any statement I made to the police was not voluntary and was made under the stress of the respective situations.
4. In both instances, I did not believe that I was free to leave and believe that I was under arrest, despite not receiving Miranda warnings.
5. On February 6, 2016, I was walking down the street on Burbank Street with Jose Rodriguez, and another male. Jose and I entered 2 Burbank Street where I intended to visit with one of the tenants in this apartment building. I was pulled out of the hallway by law enforcement, searched where they acquired a sum of cash off of me, and placed in handcuffs. A key was found on the ground and law enforcement searched that vehicle.
6. I was brought to the police station in Upper Falls and was questioned by law enforcement.

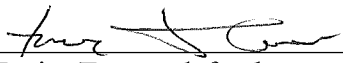
LAW OFFICES OF
MAURICE J. VERRILLO, P.C.

ONE EAST MAIN STREET
SUITE 700
ROCHESTER, NY 14614

(585) 232-2640

7. The state charges associated with the February 6, 2016 stop were no billed by the grand jury.
8. I have reviewed the omnibus motion and attorney declaration and amended attorney declaration filed in this case. I approve and agree with the content of these filings.

Declared on this 11 day of February, 2020.



Xavier Torres, defendant

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